



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

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NOTICE OF ALLOWANCE AND ISSUE FEE DUE

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APPLICATION NO.	FILING DATE	TOTAL CLAIMS	EXAMINER AND GROUP ART UNIT	DATE MAILED
09/262,402	03/04/99	038	KING, A	3731 05/30/00
First Named Applicant	MODESITT,	35 USC 154(b) term ext. =	0 Days.	

TITLE OF INVENTION ARTICULATING SUTURING DEVICE AND METHOD

ATTY'S DOCKET NO.	CLASS-SUBCLASS	BATCH NO.	APPLN. TYPE	SMALL ENTITY	FEE DUE	DATE DUE
3	15508-002500	606-148.000	N13 UTILITY	NO	\$1210.00	08/30/00

**THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED.**

**THE ISSUE FEE MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED.**

**HOW TO RESPOND TO THIS NOTICE:**

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

- A. If the status is changed, pay twice the amount of the FEE DUE shown above and notify the Patent and Trademark Office of the change in status, or
- B. If the status is the same, pay the FEE DUE shown above.

If the SMALL ENTITY is shown as NO:


- A. Pay FEE DUE shown above, or
- B. File verified statement of Small Entity Status before, or with, payment of 1/2 the FEE DUE shown above.

II. Part B-Issue Fee Transmittal should be completed and returned to the Patent and Trademark Office (PTO) with your ISSUE FEE. Even if the ISSUE FEE has already been paid by charge to deposit account, Part B Issue Fee Transmittal should be completed and returned. If you are charging the ISSUE FEE to your deposit account, section "4b" of Part B-Issue Fee Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give application number and batch number. Please direct all communications prior to issuance to Box ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.**

PATENT AND TRADEMARK OFFICE COPY

<h2 style="margin: 0;">Notice of Allowability</h2>	Application No. <b>09/262,402</b>	Applicant(s) <b>Andreas et al.</b>	
	Examiner <b>Anthony S. King</b>	Group Art Unit <b>3731</b>	

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance and Issue Fee Due or other appropriate communication will be mailed in due course.

☒ This communication is responsive to application of 03/04/1999

☒ The allowed claim(s) is/are 1-5, 8-11, 15-25, 28-41, 44-47, now renumbered 1-5, 9-12, 6-8, 13-21, 26-29, 22, 25, 23-24, 30-38, respectively.

☐ The drawings filed on \_\_\_\_\_ are acceptable.

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All   ☐ Some\*   ☒ None   of the CERTIFIED copies of the priority documents have been  
☐ received.  
☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_  
☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

A SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirements noted below is set to EXPIRE **THREE MONTHS** FROM THE "DATE MAILED" of this Office action. Failure to timely comply will result in ABANDONMENT of this application. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

☐ Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION, PTO-152, which discloses that the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.

☒ Applicant MUST submit NEW FORMAL DRAWINGS

☐ because the originally filed drawings were declared by applicant to be informal.  
☒ including changes required by the Notice of Draftsperson's Patent Drawing Review, PTO-948, attached hereto or to Paper No. 5.  
☐ including changes required by the proposed drawing correction filed on \_\_\_\_\_, which has been approved by the examiner.  
☐ including changes required by the attached Examiner's Amendment/Comment.

**Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the reverse side of the drawings. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.**

☐ Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Any response to this letter should include, in the upper right hand corner, the APPLICATION NUMBER (SERIES CODE/SERIAL NUMBER). If applicant has received a Notice of Allowance and Issue Fee Due, the ISSUE BATCH NUMBER and DATE of the NOTICE OF ALLOWANCE should also be included.

**Attachment(s)**

☒ Notice of References Cited, PTO-892  
☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_  
☐ Notice of Draftsperson's Patent Drawing Review, PTO-948  
☐ Notice of Informal Patent Application, PTO-152  
☐ Interview Summary, PTO-413  
☒ Examiner's Amendment/Comment  
☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material  
☒ Examiner's Statement of Reasons for Allowance



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#7/a  
Entered  
VW  
5/19/00

**DETAILED ACTION**

***Examiner's Amendment***

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with applicant's attorney, Mr. C. James Wheeler on 05/19/2000.

2. The application has been amended as follows:

In claim 1, line 4, the following has been inserted after "a first fitting":

--and a second fitting;

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inserting a distal end of a probe through the puncture, said probe having a foot, said fitting being releasably mounted near a first end and a second end of the foot;

articulating the elongate foot of the probe within the blood vessel so that the foot moves from a low profile configuration aligned along a shaft of the probe to a deployed configuration extending laterally from the shaft and along the blood vessel, such that the fittings are positioned at opposed sides of the puncture;--


Lines 5 and 6 of claim 1 have been deleted.

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Lines 2, 3, and 4 of claim 2 have been deleted.


In claim 3, lines 2-4, "wherein the filament.....fitting" has been deleted.

In claim 5, lines 1 and 2, "wherein the first.....puncture, and" has been deleted.

 Claims 6, 7, 12-14, 26, 27, 42 and 43 have been canceled.

In claim 8, line 1, "7" has been changed to --1--.

In claim 8, line 1, "deployed" has been deleted.


 In claim 8, line 2, "deploying" has been changed to --articulating--.

In claim 9, line 2, "displacing" has been changed to --articulating--.

In claim 10, line 1, "7" has been changed to --1--.


In claim 11, line 1, "7" has been changed to --1--.

In claim 19, in between lines 6 and 7 the following have been inserted:

 --supporting a suture by said first and second ends of the foot;--

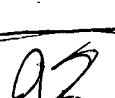
In claim 19, line 11, after "advancing" the following has been inserted: --said--.

In claim 24, in between lines 6 and 7, the following has been inserted:

 --supporting a suture by two ends of said foot wherein said two ends extend laterally with the opening positioned therebetween;--

In claim 24, line 11, --said-- has been inserted after "advancing".

In claim 28, in between lines 2 and 3, the following has been inserted:

 --a shaft suitable for insertion along the tissue tract and into the vessel through a puncture; and

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a foot displaceably mounted on said shaft actuatable to extend laterally from said shaft;

and--

In claim 28, line 7, after "a fitting" the following has been inserted --releasably mounted on the foot and--

In claim 32, lines 1 and 2, the following has been deleted: "the fitting is mounted on a foot near a distal end of a probe,".

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In claim 32, line 2, "having" has been changed to --has--.

*Allowable Subject Matter*

3. Claims 1-5, 8-11, 15-25, 28-41, 44-47 are allowed over prior art of record.

*Reasons for Allowance*

4. The following is an examiner's statement of reasons for allowance:

Claims 1-5, 8-11, 15-25, 28-41, 44-47 have been allowed because prior art of record fails to disclose or suggest the method and apparatus for suturing a puncture through a vessel wall of a blood vessel, whereas the method comprises attaching a flexible filament to two fittings; inserting a probe through the puncture, said probe having a foot, and said fitting being releasably mounted on two ends of said foot; articulating the foot of the probe so that the foot extends laterally from the shaft and said fittings are positioned at opposed sides of the puncture; forming needle paths by advancing two needles through the vessel wall outside the puncture; coupling the needles with the

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fittings, and withdrawing the needles so that portions of the filament withdraw through the vessel wall along the needle paths.

In short, the claimed articulating suturing device and method are novel. Although prior art of record discloses various methods and apparatus of suturing of body lumens, the claimed invention is novel since there is no obvious motivation to combine these various features disclosed by the prior art of record in this manner. Thus, the invention is distinguishable from the prior art of record, and the claims are allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submission should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Drawings***

5. The application having been allowed, formal drawings are required in response to this Office action.



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*Conclusion*

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony S. King whose telephone number is (703) 306-5962. The examiner can normally be reached Mon-Fri., 8:00 AM to 5:00 PM Eastern Time.

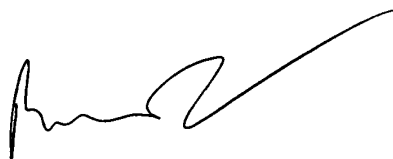
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Buiz, can be reached at (703) 308-0871.

General inquiries relating to the status of this application should be directed to the Group receptionist at (703) 308-0858. The FAX number is (703) 305-3579.



Anthony S. King

Patent Examiner



MICHAEL BUIZ  
SUPERVISORY PATENT EXAMINER  
GROUP 3300

5/19/00

May 19, 2000

